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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,421	04/20/2004	Scott David Thomas	GP-303981	5373

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EXAMINER

GOODEN JR, BARRY J

ART UNIT	PAPER NUMBER
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3616

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/828,421	THOMAS ET AL.	
	Examiner	Art Unit	
	Barry J. Gooden Jr.	3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 10, 12-14 and 16-27 is/are rejected.
- 7) ☒ Claim(s) 6, 8, 9, 11 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is in response to the amendments filed November 8, 2006. Currently claims 1-27 are pending. Claims 1, 16, 22, and 23 are amended.

Specification

1. The disclosure is objected to because of the following informalities:

Examiner believes an alternate embodiment is being discussed in paragraph 0046; however, for the sake of clarity, examiner recommends a single number be used to discuss the base plate (56 or 56'), when referring to one embodiment or another. Examiner suggests replacing all 56 labels with 56' labels in paragraph 0046.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 7, 10, 12, 13, 16-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Vendely et al., US Patent 6,029,992.

In regard to claims 1-5, 7, 10, 12, 13, 16-26, Vendely et al. discloses all of the claimed elements including an airbag module comprising:

an inner plate (70);

a base plate (30) attachable to the inner plate;

a cover (40);

an inflatable cushion (80), the inner plate being receivable within the cushion, the cushion and the inner plate being receivable within the cover, containing the cushion, prior to inflation thereof; and

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a portion of the cushion and a portion of the cover abutting one another and being sandwiched directly between the inner plate and the base plate such that the portion of the cover is retained between the base plate and the inner plate (reference is made to Figure 7);

wherein said air bag module is a preassembled unit configured such that the cushion, the cover, the inner plate and the base plate are retained to one another when the cushion is inflated;

further comprising a fastener element (110, 100) adapted to extend through the inner plate, the cushion and the base plate, thereby attaching the inner plate and the base plate;

further comprising an inflator (90), the inflator having a mounting flange (96) the fastener element being adapted to further extend through the mounting flange, thereby attaching the inflator with the cushion, the inner plate, the base plate and the cover;

wherein the cushion, the inner plate, the base plate and the inflator are each formed with an alignable fastener element opening adapted to receive the fastener element through the opening when the fastener element openings are aligned;

wherein the cushion, the inner plate and the base plate are each formed with an alignable inflator opening adapted to receive a portion of the inflator, wherein the mounting flange of the inflator abuts and is sandwiched between the cushion and the base plate when the inflator is received within the aligned inflator openings and is attached with the cushion, the inner plate and the base plate by the fastener element;

further comprising a viscous damping element (36) operable to isolate the inflator so that the inflator can function as a mass damper;

wherein the fastener element comprises a protrusion extending through the inner plate, the cushion and the base plate, wherein the fastener element further comprises a retaining element (125), the protrusion being secured by the retaining element to attach the inner plate, the cushion, the base plate and the cover together;

wherein one of the retaining element and the portion of the airbag module is comprised of a deformable material, and wherein the one of the retaining element and the portion of the airbag module deforms such that the protrusion is secured by the retaining element;

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wherein the fastener element comprises a threaded stud pressed into the inner plate;

wherein said fastener element is a first fastener element, further comprising:

a plurality of additional fastener elements;

wherein said first fastener element (100, 110) and said additional fastener elements are sufficient to attach said cushion, said inner plate and said base plate to one another, and wherein said air bag module is characterized by the absence of additional attachment mechanisms to further secure the attachment of said cushion, said inner plate and said base plate to one another;

wherein the cover includes a cover extension (42) having an inwardly-jutting flange portion, the cover extension being matable with the base plate such that the flange portion abuts and is cupped by the base plate and the cushion abuts and is disposed between the inner plate and the cover extension;

wherein the base plate forms a segmented channel, wherein the flange portion has opposing inner and outer surfaces, and wherein the channel abuts the outer surface of the flange portion and the portion of the cushion is sandwiched between the inner plate and the inner surface of the flange portion when the cover extension is mated with the base plate (reference is made to Figure 7);

wherein the inner plate includes a peripheral wall having an outer surface, wherein the cover extension includes a shoulder portion (47), the flange portion jutting inward from the shoulder portion, the portion of the cushion being further sandwiched between the peripheral wall and the shoulder portion;

wherein the base plate is a unitary structure;

wherein the portion of the cover is cupped by the base plate.

In regard to claims 23-26, Vendely et al. discloses a structure meeting the method limitations of the claims.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 14 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vendely et al. in view of Varcus et al., US Publication 2001/0048216 A1.

In regards to claims 14 and 27, Vendely et al. discloses all of the claimed elements excluding a deformable tab.

Varcus et al. discloses a fastener element comprising a deformable tab (48).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the fastening element of Vendely et al. in view of the fastening element of Nash et al. to include comprising a deformable tab so as to provide a means of connection between the inner plate, cushion and the base plate so as to facilitate ease of installation.

Allowable Subject Matter

5. Claims 6, 8, 9, 11, and 15, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments filed November 8, 2006 have been fully considered but they are not persuasive.

In regards to the applicant's arguments directed to "a preassembled unit", the term "preassembled unit" is sufficiently broad to encompass the structure as disclosed by Vendely et al. and discussed above, including the base plate (30).

In regards to the applicant's arguments directed to the sufficiency of securing, the "preassembled unit" as disclosed by Vendely et al. and discussed above, including the base plate (30), is, as applicant

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has reiterated (page 14 of 16, amendment), sufficiently secured to prevent separation of the cover from the base plate and the inner plate due to inflation of the cushion.

In regards to claim 16, the amendment necessitated the new grounds of rejection, as it changed the scope of the claim.

Applicant's arguments, see page 16 of amendments, filed November 8, 2006, with respect to claim 6 have been fully considered and are persuasive. The rejection of claim 6 has been withdrawn. Examiner maintains the previous rejection of claims 1-3 is proper, and the previous rejection of claim 6 was not to be construed as implying Vendely et al. did not meet all of the claimed structural limitations of any of the preceding claims.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

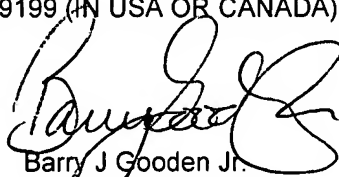
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry J. Gooden Jr. whose telephone number is (571) 272-5135. The examiner can normally be reached on Monday-Friday 8:00am-4:30pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

 1/4/07
Barry J Gooden Jr.
Examiner
Art Unit 3616

BJG


ERIC CULBRETH
PRIMARY EXAMINER